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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 8th April, 1983:—

BILL NO. 34 OF 1983

A Bill to amend the Urban Land (Ceiling and Regulation) Act, 1976.

WHEREAS it is expedient and necessary to regulate the transfer of open lands and to check spiralling prices of land in urban areas;

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Urban Land (Ceiling and Regulation) Amendment Act, 1983.

Short
title,
extent
and
com-
mence-
ment.

33 of 1976.

(2) It shall extend to those States and Union territories to which the Urban Land (Ceiling and Regulation) Act, 1976 (hereinafter referred to as the principal Act) applies.

(3) It shall come into force at once.

2. In section 25 of the principal Act,—

Amend-
ment of
section
25.

(i) for the words 'In this Chapter, "plinth area", in relation to—', the following words and figure shall be substituted, namely:—

'In this Chapter,—

(1) "plinth area", in relation to—;

(ii) the following clause shall be inserted at the end, namely:—

“(2) “open land” means and includes unbuilt land, other than urban, urbanisable and vacant land, in an urban area included within the local limits of a municipality (by whatever name called), a notified area committee, a town area committee, a city or town committee or a cantonment board, outside the urban agglomerations.”.

Insertion
of new
section
27A.

3. After section 27 of the principal Act, the following section shall be inserted, namely:—

Regu-
lation of
transfer
of open
land.

“27A. (1) Notwithstanding anything contained in any other law for the time being in force, no person shall transfer by way of sale mortgage, gift, lease for a period exceeding three years or otherwise, any open land except with the previous permission in writing of the competent authority.

(2) Any person desirable to make a transfer, as referred to in sub-section (1), may make an application in writing to the competent authority in such form and in such manner as may be prescribed.

(3) On receipt of an application under sub-section (2), the competent authority may, after making such inquiry as it deems fit, by order in writing, grant or refuse to grant the permission applied for:

Provided that the competent authority shall not refuse to grant the permission applied for unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.

(4) Where within a period of sixty days of the date of receipt of an application under this section the competent authority does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the competent authority shall be deemed to have granted the permission, applied for.

(5) When the permission applied for under sub-section (2) is granted or deemed to have been granted, the holder of the open land may transfer the land to the intending purchaser at a price mutually agreed upon:

Provided that in no case the price shall exceed rupees five per square metre.”.

STATEMENT OF OBJECTS AND REASONS

With the growing unemployment in the villages there is a constant flow of the people from villages to cities and other urban areas in search of means of living either through employment or by setting up small business or industry. Government have either undertaken or sponsored various schemes to enable educated unemployed and others to get self-employment by setting up small industries. All these activities required land to locate the industries or businesses in and around the nearby urban areas. These requirements placed a high demand on lands in these areas.

Seizing the opportunity, the moneyed people as also the dealers in black money started investing money in purchasing the lands at high prices in these urban areas. This resulted in spiralling of prices of land in urban areas. The black money, in this process, could be converted into white one, income-tax could be successfully evaded and the Government's scheme for self-employment, etc. could be defeated on account of its requirement of huge amount of money for investment in land only. People desiring to have residential houses for themselves could not afford to get land at fabulous prices. Even common housing in private sector became costly, and private savings which are so essential to capital formation and growth of economy dwindled down.

There was, therefore, a long demand for ceiling on urban land and check on the rise in prices of land in urban areas. The Central Government enacted the Urban Land (Ceiling and Regulation) Act, 1976. But, its operation is confined to selected agglomerations. There are demands to extend the operation of this Act, with improvements therein, to the municipal towns and cities. The matter is said to be under consideration of Government. But the Government's consideration may be a long process. Till the Government takes decision in the matter, it is urgent and necessary, as a preliminary step, to act immediately to check the transfer of lands to hoarders of this scarce resource and to regulate its transfer to the needy as well as to control the spiralling prices of the land in the urban areas other than agglomerations. This Bill is intended to achieve these objectives. The price-limit proposed in this Bill is the lower limit of price provided under sub-clause (ii) of clause (b) of sub-section (1) of section 11 of the Urban Land (Ceiling and Regulation) Act, 1976.

NEW DELHI;

A. T. PATIL

October 8, 1982.

BILL No. 35 OF 1983

A Bill to amend the Urban Land (Ceiling and Regulation) Act, 1976.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Amend-
ment of
section 2.

1. (1) This Act may be called the Urban Land (Ceiling and Regulation) Amendment Act, 1983.

(2) It shall come into force at once.

Short
title and
commence-
ment.

2. In section 2 of the Urban Land (Ceiling and Regulation) Act, 1976, 33 of 1976, in clause (o), in the *Explanation*, clause (C), shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Urban Land (Ceiling and Regulation) Act, 1976, while defining 'Urban Land' in section 2(o) expressly states that 'urban land' does not include any such land which is mainly used for the purpose of agriculture. Unfortunately, this exclusion of agricultural land is neutralised by clause (C) of *Explanation* to the above definition, which reads "notwithstanding anything contained in clause (B) of this *Explanation* land shall not be deemed to be mainly used for the purpose of agriculture if the land has been specified in the master plan for a purpose other than agriculture", making agricultural land vacant by legal provision.

The Act applies to 74 cities in as many as 15 States, not only within municipal limits but also to areas 1 to 8 kilo-metres beyond city limits. The Act thus brings under its purview the rural areas more than the urban areas, as it covers not less than 10,000 villages involving lakhs of acres of fertile land and lakhs of toiling kisans in the process.

The "vacant land", which in most cases happens to be the agricultural land, when acquired is to be paid for by an amount equal to $8\frac{1}{3}$ times the net average annual income actually derived from such land during the period of 5 consecutive years immediately preceding the date of publication of notification under sub-section (1) of section 10 whereas urban built up property is to be acquired under the Land Acquisition Act, 1894 and compensation is to be paid according to the "market value" in cash. But the compensation for "vacant land" will be paid in accordance with the provision of section 14(2), viz. "Twenty five per cent or the amount of Rs. 25,000/- whichever is less shall be paid in cash and the balance in negotiable bonds redeemable after expiry of 20 years carrying interest at the rate of 5 per cent per annum". It is a clear case of discrimination against kisans. This is as clear as day light that no agriculturist will ever get more than Rs. 25,000/- in cash with which to buy land elsewhere and carry on his profession.

The intention of the Act was to prevent profiteering and speculation in urban lands by black marketeers and other such anti-social persons. As the Act has been framed it will cause great misery to lakhs of small and marginal farmers and will create a rehabilitation problem for the States, for which no solution is possible. The land is almost entirely ancestral and is being put to very intensive farming for growing fruit and vegetables. Agriculture is the sole occupation of kisans and is a source of their livelihood. To deprive them of it is simply cruel and unjust.

In Punjab, the tragedy is doubly compounded because 95 per cent. land owners are displaced persons. Unirrigated and barren lands were allotted to the displaced persons after heavy cuts upto 95 per cent.

In view of the above, as the Act is causing great hardship to kisans, it needs the proposed amendment.

Hence this Bill.

NEW DELHI;
November 6, 1982.

H. N. BAHUGUNA

BILL NO. 10 OF 1983

A Bill to provide for a review of Hindu scriptures and other religious literature and for that purpose establish a Commission and for matters connected therewith, with a view to identify and omit or amend such words, sentences, paragraphs, stanzas, chapters, etc. from the scriptures and other religious literature which tend to encourage or propagate hatred, discrimination, inequality or untouchability among citizens on grounds of religion, race, caste, sex, vocation or place of birth, in violation of the principles enshrined in the Constitution of India and the solemn resolution of the people of India contained in the Preamble to the Constitution.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title
and com-
mence-
ment,

1. (1) This Act may be called the Hindu Scriptures and other Religious Literature (Review and Amendment) Act, 1983.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette appoint, but such date shall be within three months of its enactment,

2. With effect from such date, within three months of the enactment of this Act, as the Central Government may, by notification in the Official Gazette appoint, there shall be established a Commission by the name of the Hindu Scriptures and Religious Literature Commission hereinafter referred to as the Commission.

Establishment of the Commission.

3. (1) The Commission shall consist of—

Composition of the Commission.

(a) a Chairman, and

(b) eight other members, to be appointed by the Central Government.

(2) The Chairman shall be chosen from among persons who are not officers of the Central Government or of any State Government.

(3) The Chairman and the members shall be chosen from among persons who, in the opinion of the Central Government, have deep and extensive knowledge of Hindu scriptures and other religious literature and are scholars of repute:

Provided that—

(i) not less than three members shall be chosen from among persons who belong to Scheduled Castes and Scheduled Tribes and other backward classes of citizens; and

(ii) three members shall be chosen to represent each of the Budh, Sikh and Jain religions.

4. (1) A person appointed as Chairman, or other member, shall—

Terms and conditions of service of Chairman etc.

(a) in the case of Chairman, hold office for a term of five years; and

(b) in the case of any other member, hold office for a term of three years:

Provided that a person who has held office as Chairman or as a member shall be eligible for reappointment for a second term.

(2) A member may resign his office by writing under his hand addressed to the Central Government.

(3) The office of the Chairman shall be whole-time and the salary, and the terms and conditions of service of the Chairman and other members shall be such as may be prescribed by the Central Government.

5. (1) The Commission may associate with itself, in such manner and for such purposes as may be determined by the Commission, any person whose assistance or advice it may desire in carrying out the purposes of this Act.

Temporary association of persons with the Commission for particular purposes.

(2) A person associated with it by the Commission under sub-section (1) for any purpose shall have a right to take part in the discussion relevant to that purpose, but shall not have a right to vote at a meeting of the Commission and shall not be a member for any other purpose.

6. Subject to such rules as may be made by the Central Government in this behalf, the Commission may appoint a Secretary and such other employees as it may think necessary for the efficient performance of its functions under this Act and the terms and conditions of service of the employees shall be such as may be determined by the Commission.

Staff of the Commission.

Functions
of the
Commis-
sion.

7. It shall be the duty of the Commission to review the Hindu scriptures and other religious literature with a view to identifying such words, sentences, paragraphs, stanzas or chapters contained therein which teach or propagate out-moded and anti-social traditions and practices and tend to encourage hatred, discrimination, inequality or untouchability among citizens on grounds of religion, race, caste, sex, vocation or place of birth, and to omit or amend such words, sentences, paragraphs, stanzas or chapters in the light of the principles enshrined in and the provisions of the Constitution and modern values.

Informa-
tion to
people
about
amended
texts, etc.

8. The Commission shall inform the people at large in such manner as it deems suitable, about the scriptures and religious texts/books which have been amended by it.

Publica-
tion of
list of
reviewed
scriptures,
etc.

9. The Commission shall publish from time to time an up-to-date list of scriptures and other religious texts/books which have been reviewed by it.

Prohibi-
tion of
printing,
etc. of
scripture
in cer-
tain cases.

10. Printing, publication, sale or distribution of copies of a scripture or other religious text/book in its original form after it has been reviewed and amended by the Commission shall be an offence under this Act which shall be punishable with imprisonment for a term which may extend to one year and with a fine which may extend to twentyfive thousand rupees.

Printer,
etc. to
submit
scripture,
etc. for
review.

11. (1) It shall be the duty of every printer or publisher of a scripture or other religious text/book to submit a copy thereof to the Commission for its review.

(2) Any scripture or other religious text/book shall be released for sale or distribution only after it has been reviewed by the Commission and permission has been granted by the Commission for its sale or distribution.

(3) Any printer, publisher, seller or distributor of a scripture or other religious text/book who acts in violation of the provisions of this section shall be punishable with imprisonment which may extend to one year and with fine which may extend to ten thousand rupees.

Laying of
reports
before
Parlia-
ment.

12. The Central Government shall lay before each House of Parliament every year a report about the work done by the Commission during the last one year.

Power to
make
rules.

13. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one

session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

14. The Commission may, with the previous approval of the Central Government, make regulations consistent with this Act and the rules made thereunder.

Power to
make
regula-
tions.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India is based on the principles of equality and humanism. The underlying spirit of our Constitution is to secure to all its citizens social, economic and political justice, freedom of thought, expression, belief, faith and worship. In order to ensure dignity of individual, national unity and integrity and to promote among all the people fraternity, we, the people of India, had solemnly resolved to constitute India into a sovereign, socialist, secular and democratic republic. According to our constitution, no citizen shall be discriminated against on the ground of religion, race, caste or place of birth. Untouchability and its practice in any form has been abolished. The practice of disability arising out of untouchability has been declared a penal offence. Every citizen has the right to freedom of conscience and to profess, practise and propagate religion freely without injuring the feelings of any person or any other religion. Moreover, our Constitution provides, *inter-alia*, for social welfare and reform and throw open Hindu religious institutions to all branches and sects of Hindus on equal footing.

It is deplorable that some books of Hindu religious literature, puranas and shastras contain such mantras, shalokas, sentences, etc. which spread discrimination, hatred, contempt, jealousy and crookedness against their own brethren and which are clearly in violation of our Constitution. *Mantras*, *shalokas* and sentences, which encourage untouchability and inequality among the human beings are obstacles in the way of achievement of humanism. Exploitation, discrimination, slavery and untouchability promote class conflicts and stifles the spirit of humanity and fraternity.

For example, the main idea of some shalokas of 'Maitriyani Sambhita', the initial book of ethics is that the *shudra* should not be allowed to milk a cow, whose milk is used for yajnas..... yajnas should not be performed in the presence of *shudras*. According to a mantra of *Shatpath Brahmana*, *shudras* should not be served somras..... Nobody should talk to *shudras*. As per 'Panchvish Brahmana' and 'Aitraya Brahmana', *shudra* has no right, he is only to serve others. Aapastambha Dharma Sutra says, "Shudras and the fallen persons are just like *Shamshanas* (cremation ground)....." Vedas should not be recited in any house, where *shudra* resides. A reciter of Vedas, who happens to see a female *shudra*, should give up reciting vedas. To atone for a *keshtriya*'s murder, one thousand cows are required to be donated, whereas for a *shudra*'s murder only ten cows are required to be donated. The punishment for adultery with a *shudra* woman is only banishment from the village, while for the same offence with a Brahmin woman, one is sentenced to death. It is stated in the 'Vashishtha Sutra' that the food offered by a miser, hunter, carpenter, washerman, spy, money lender, cobbler and *shudra* should not be eaten. Reading and reciting of Vedas should be avoided in the

presence of a shudra. The characteristics of a shudra have been defined as malice, untruth, criticising Brahmins, back-biting and cruelty. According to 'Vishnu Smariti', 'If a shudra sits on a higher seat, he should be branded on hips and exiled; if he tries to preach a Brahmin, his mouth should be filled with hot oil. A Brahmin should be given a name denoting auspiciousness and a kshatriya should be given a name indicating bravery, a Vaish should be given a name denoting affluence and a shudra should be given a name denoting contempt.' According to 'Aapastambh Dharma Sutra', 'a shudra and a dog are alike.' According to 'Gautam Dharma Sutra', 'if a shudra hears recitation of Vedas, melted lead should be put into his ears and if he recites the *mantras* from Vedas, his tongue should be chopped off.'

'Manusmriti' is most famous book on ethics pertaining to Hindu religion. It has some directly striking verses, which openly violate the Constitution. According to 'Manusmriti', shudras should not be given advice, ghee of Havan, and religious sermons, and a person violating this exhortation goes to hell named Asaavrita. None should recite Vedas in the presence of a shudra. A Brahmin can take away the property of a shudra without any hesitation, whereas a shudra cannot own any property. The only duty of a shudra is to serve the people of higher castes. A shudra should not sit in judgement and if he does so, the country will have to face famine. A shudra should be given a contemptuous name. One should not reside in the kingdom of a shudra. An oilman is equal to 10 butchers, a liquor dealer is equal to 10 oilmen and a buffoon or a servant of a prostitute is equal to 10 liquor dealers. The food offered by blacksmith, sailor or goldsmith should not be taken. The food of a shudra mitigates the spiritual power, the food of a goldsmith reduces the life-span and the food of a cobbler destroys the dynasty of the eater. The sin attached to the killing of a shudra is equal to the sin attached to the killing of a cat, frog, sparrow, owl and crow.....the left out food should be given to a shudra for the labour put in by him..... A shudra while walking on the road should have an earthen jug tied to his neck and a broom to his waist etc. etc. According to Ramayana, a Brahmin should be worshipped even if he lacks knowledge and a shudra, in spite of being a learned person, should not be worshipped. Drum, stupid person, shudra, cattle and woman deserve beating/reprimand.

Undoubtedly the verses given in the religious books mentioned above violate the provisions of the Constitution in its letter and spirit. The spirit of inequality, slavery, unfriendliness, casteism, discrimination on the ground of sex are encouraged thereby. These are the causes of class and caste conflicts whereas our Constitution does not allow any such thing which may injure the sentiments or feelings of anybody or any class of persons. The object of the Bill is to delete such verses, saying and similar other things, which create inequality, hatred, ill-feelings, casteism, untouchability etc., from these scriptures and other religious literature and to amend them, so that they conform to the provisions of the Constitution, which envisages rejuvenation of human values.

NEW DELHI;
January 20, 1983.

RAJNATH SONKAR SHASTRI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of the Hindu Scriptures and Religious Literature Commission. Clause 4(3) provides that the office of the chairman shall be whole-time and salaried. Clause 6 provides for the appointment of a Secretary and such other employees as the Commission may think necessary for the efficient performance of its functions. Clause 8 provides that the Commission shall inform the people about the scriptures and religious texts/books which have been amended by it. Clause 9 provides for the publication of list of scriptures, etc. reviewed by the Commission. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees two lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Act. Clause 14 empowers the Commission to make regulations with the previous approval of the Central Government. The rules and regulations will relate to matters of detail only. As such the delegation of legislative power is of a normal character.

BILL NO. 23 OF 1983

A Bill to provide for fixing the limit on borrowing by the Government of India under article 292 of the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title
and
com-
mence-
ment.

1. (1) This Act may be called the Borrowing (Fixation of Limit) Act, 1983.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Fixation
of limit
on the
borrow-
ing power
of the
Govern-
ment of
India.

2. Notwithstanding anything contained in any law for the time being in force, the executive power of the Government of India shall extend to borrowing upon the security of the Consolidated Fund of India to ten per cent. of the gross national product of India, to be determined from year to year.

STATEMENT OF OBJECTS AND REASONS

The question of fixing limits by Parliament on the borrowing powers of Government under article 292 of the Constitution has been engaging the attention of the Parliament since the year 1962-63.

The Public Accounts Committee in its 9th Report (1962-63) observed:

"The Committee feel that the existing manner of getting Parliamentary approval to the borrowing programme of Government does not provide satisfactory opportunity of an intelligent appraisal in Parliament of the issues involved, which would be afforded, if there were a specific debate thereon. They understand that the practice established in U.K., Canada, Ceylon and USA was to obtain the approval of the Legislature either specifically, before going to market for loans or to restrict the borrowing to the limits prescribed by the Legislature."

The Committee further *inter alia* observed in its Fifty-second Report (1965-66):

"The present procedure under which Parliamentary approval is taken for borrowing programmes as indicated in the Five Year Plans and the annual budgets and for the expenditure from the Consolidated Fund to which the loans are credited, does not satisfy the Constitutional requirements."

The Committee also note the opinion of the Secretary, Department of Economic Affairs, that a proper system of fixing a limit on Government borrowing could be evolved but it would have to take into account certain variations.

The Committee finally recommended (Fifty-Second Report):

"In view of the provisions contained in article 292 of the Constitution and the fact that such statutory limits do exist in other countries and that the debt of the Government of India has been steadily increasing, the Committee would like to reiterate their earlier recommendations on this subject."

In the Sixty-Eighth Report (Third Lok Sabha), the Committee again observed, "The Committee desires that the Government should take an early decision on the Committee's recommendations suggesting that a practical trial should be given to the healthy principle enunciated in article 292 of the Constitution regarding the fixation of a limit by Parliament on public borrowings".

Thus, the need of a statute fixing the borrowing limit is being urgently felt particularly in view of the fact that the Government have gone

in for massive loans from IMF, World Bank, etc. on conditions harmful to the self-reliant national economy.

The object of the Bill is to restrain the Executive from going in for wreckless borrowings and ensure Parliamentary accountability.

Hence this Bill.

NEW DELHI;
February 15, 1963.

CHITTA BASU

BILL No. 24 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1983.

Short
title
and
commence
ment .

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 19 of the Constitution, the following article shall be inserted, namely:—

Insertion
of new
article
19A.

“19A. (1) Every citizen shall be entitled to full and complete information regarding the affairs of Government and official acts of those who represent them as public officials and employees.

Right to
infor-
mation.

(2) Nothing in this article shall prevent the State from making any law, from time to time, prescribing the types of information which may need protection from disclosure.”.

STATEMENT OF OBJECTS AND REASONS

Innumerable instances can be given where even most trivial matters are treated as secret and confidential which do not serve any interest to the nation except perhaps saving the Government from embarrassment. The reports of various enquiry committees and commissions (like plane crashes or accidents) are treated as *secret*. It may be recalled that even the recommendations of the Inter-Departmental Study Group set up by the Government in 1977 to look into the Official Secrets Act, 1923 have been treated as confidential. This was stated by the then Home Minister Shri H. M. Patel in Lok Sabha in July, 1979 that it would not be in the "public interest" to disclose the recommendations of the Study Group.

Though openness is essential to the functioning of a democratic society, yet secrecy also bears the same quality so as to protect certain vital national interests and for a few other reasons. A proper balance has to be drawn between the needs of openness and the requirements of secrecy, but this balance has to be tilted in favour of openness than it had been hitherto. In other words, till now secrecy was the rule rather than the exception, but this proposition has now to be reversed. The exceptions to openness should be well defined and formulated. The general and the vague expression "public interest" cannot be a ground for secrecy. It is essential to lay down more definite guidelines for exercising secrecy by the Government.

It is for this reason that right to information is sought to be made as a fundamental right of the citizen. Of course it is conceded that there will be certain documents which need protection and which cannot be revealed e.g. information prejudicial to the security of the State, information concerning defence or security of the nation, foreign relations, Cabinet proceedings and documents, etc. State should be empowered to make laws in which official documents which are to be kept secret shall be closely defined in special statute.

The Bill shall achieve this objective to some extent.

Hence this Bill.

NEW DELHI;

February 15, 1983.

CHITTA BASU

BILL No. 33 OF 1983

A Bill further to amend the Factories Act, 1948.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1 (1) This Act may be called the Factories (Amendment) Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Short
title,
extent
and
com-
mence-
ment.

63 of 1948. 2. In section 2 of the Factories Act, 1948 (hereinafter referred to as the principal Act),—

Amend-
ment of
section 2.

(i) after clause (c), the following clause shall be inserted, namely:—

“(cc) ‘competent person’ means a person who by virtue of his qualifications, training, experience and the facilities at his command is approved by the Chief Inspector, to carry out tests, thorough examinations and inspections as required under the provisions of the Act and the rules thereunder.”;

(ii) in clause (k), in sub-clause (i), after the words “article or substance”, the word “either” shall be inserted;

(iii) in clause (m),—

(a) for the words "a railway running shed or a hotel, restaurant or eating place", the words "or a hotel, restaurant or eating place other than a canteen of a factory," shall be substituted;

(b) in the *Explanation*, after the words "workers in different", the words "groups and" shall be inserted;

(iv) in clause (n), the words "and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory" shall be omitted;

(v) clause (o) shall be omitted;

(vi) after clause (r), the following clause shall be inserted, namely:—

"(s) 'ordinarily employed' means employed at least for half the number of working days of the factory during the preceding twelve months, taking into account all the workers employed in all the relays and groups on each day."

Substitution of section 4.

3. For section 4 of the principal Act, the following section shall be substituted, namely:—

Power to declare different departments to be separate factories, etc.

"4. The State Government may, either on an application made in this behalf by an occupier or otherwise, direct, by an order in writing, subject to such conditions as it may think fit, in consultation with the registered trade unions in the factories, that for all or any of the purposes of this Act different departments or branches of a factory of the occupier specified in the application shall be treated as separate factories or that two or more factories of the occupier specified in the application shall be treated as a single factory."

Amendment of section 6.

4. In section 6 of the principal Act,—

(i) in sub-section (I),—

(a) for clause (aa), the following clause shall be substituted, namely:—

"(aa) requiring in respect of any factory or class or description of factories the previous permission in writing of the Chief Inspector to be obtained—

(i) for the site on which the factory is to be situated; and

(ii) for taking into use any premises, building, part of a building, plant, structure, or part of a plant, as a factory or for construction or extension of a factory, part of a factory, plant, machinery or any structure of a factory;"

(b) after clause (b), the following clause shall be inserted, namely:—

"(bb) requiring a certificate of stability to be submitted to the Chief Inspector before taking into use any premises,

building plant or structure, or part thereof as a factory or part of a factory, and prescribing by when the certificate shall be issued;”;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) On an application for permission referred to in clause (aa) of sub-section (1) accompanied by the plans and specifications required by the rules made under clause (b) of that sub-section, sent to the State Government or Chief Inspector by registered post, the workers or their registered trade unions shall be notified about the said application and given an opportunity to make submissions before such permission is granted.”.

5. After section 7 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 7A.

“7A. It shall be the primary responsibility of the occupier to ensure that the provisions of the Act are properly implemented in the factory, particularly in respect of health, safety and environment, and to promote these objectives the occupier shall in co-operation with the registered trade unions and also the Inspectors or other competent persons, appointed under the Act, hold classes of workmen in order to give them training and education and the period of such classes would be as frequent as it felt necessary and/or as provided for in the rules and would be treated as duty.”.

Responsibility of the occupier for implementation of certain provisions of the Act.

6. In section 8 of the principal Act, after sub-section 2A, the following sub-section shall be inserted, namely:—

Amendment of section 8.

“2AA. The workmen in every factory, employing fifty workmen or more, shall elect one representative as Worker Inspector under the supervision of the Chief Inspector and if there are more than one sheds or shops in a factory, the workmen employed in each shed or shop in the factory, situated in separate buildings or in the same building, shall have the right to elect their Worker Inspector, who shall be treated as competent person and enjoy all rights of an Inspector under this Act, and the Inspectors appointed by the Chief Inspector shall always conduct the inspection alongwith the Worker Inspector and submit joint reports.”.

7. In section 9 of the principal Act,—

(i) for the words “an Inspector may”, the words “an Inspector, for carrying out the purposes of this Act, may” shall be substituted;

Amendment of section 9.

(ii) for clause (b), the following clauses shall be substituted, namely:—

“(b) make examination of the premises, plant, machinery, article or substances;

(c) require the production of any prescribed register and any other document relating to the factory;

(d) enquire into any accident or dangerous occurrence which has caused any bodily injury, disability or not;

(e) take on the spot or otherwise statement of any person;

(f) seize or take copies of such registers, records or other documents or portions thereof, as he may consider relevant in respect of an offence under this Act, which he has reason to believe has been committed;

(g) direct that any premises or any part of the premises, or anything therein, shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination under clause (b);

(h) take measurements and photographs and make such recordings as he consider necessary for the purpose of any examination under clause (b), taking with him any necessary instrument or equipment;

(i) in case of any article or substance found in the premises being an article or substance which appears to him as having caused or is likely to cause danger to health or safety, direct it to be dismantled or subjected to any process or test, so as not to damage or destroy it unless that is necessary under the circumstances for carrying out the purposes of the Act, and take possession of any such article or substance or, a part thereof, and detain it for so long as is necessary for its examination.”;

(iii) clause (c) shall be re-numbered as clause (j) and in the clause as so re-numbered, the words “for carrying out the purposes of this Act” shall be omitted.

Amend-
ment of
section 13.

8. In section 13 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The State Government may make rules in respect of any factory, or class or description of factories or parts thereof—

(i) prescribing standards of adequate ventilation and reasonable temperature;

(ii) requiring provision and maintenance of such measuring instruments in such places and positions as may be specified; and

(iii) requiring the maintenance of such records as may be prescribed.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) If it appears to the Chief Inspector that in any factory excessively high temperatures can be reduced by adoption of suitable measures, he may, without prejudice to the rules made under sub-section (2), serve on the occupier of the factory an order in writing specifying the measures which in his opinion should be adopted and requiring them to be carried out before a specified date.”.

9. In section 16 of the principal Act,—

Amend-
ment of
section
16.

(i) in sub-section (2),—

(a) for the words “three hundred and fifty cubic feet”, the words and figures “9.9 cubic metres” shall be substituted;

(b) for the words “five hundred cubic feet”, the words and figures “14.2 cubic metres” shall be substituted; and

(c) for the words “fourteen feet”, the words and figures “3 metres” shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) The Chief Inspector shall issue the order under sub-section (4) only after the registered trade unions in the factory have been given an opportunity to make submissions and the same have been considered before any such exemption is granted and the registered trade unions shall have the right to appeal against such exemption, if the said order is perverse or not a speaking order.”.

10. In section 18 of the principal Act,—

Amend-
ment of
section
18.

(i) in sub-section (2),—

(a) for the words “urinal or latrine”, the words “urinal, latrine, spittoons, open drains carrying sullage or effluents, or any other source of contamination” shall be substituted;

(b) for the words “twenty feet”, the words “six metres” shall be substituted;

(ii) in sub-section (3), for the words “two hundred and fifty”, the word “fifty” shall be substituted.

11. In section 19 of the principal Act, in sub-section (2),—

Amend-
ment of
section
19.

(i) for the words “two hundred and fifty”, the word “fifty” shall be substituted;

(ii) in clause (b), for the words “three feet”, the words “ninety centimetres” shall be substituted.

12. In section 23 of the principal Act,—

Amend-
ment of
section
23.

(i) in sub-section (1), for the words “shall work”, the words “shall be required or allowed to work” shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) It shall be compulsory for the management to keep a register containing the names of such young workers in employment, the nature of training they have received, the machines on which they have been assigned to work, the designation and the names of the persons with whom they have been assigned to work and such records shall be kept open for inspection by all registered trade unions and refusal to produce the register will amount to a criminal offence.”.

Amend-
ment of
section
25.

13. Section 25 of the principal Act shall be re-numbered as sub-section (1) thereof and—

(i) in sub-section (1) as so re-numbered, for the words “eighteen inches”, the words “forty-five centimetres” shall be substituted;

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) The permission granted under sub-section (1) shall, however, be subjected to a review periodically *suo-moto* or otherwise with the trade unions in the factory having the right to make submissions in this regard and in case of any contrary opinion, the trade unions shall have the right to submit appeal against the decision of the Chief Inspector, if in their opinion the decision is perverse and/or harmful to the workers.”.

Amend-
ment of
section
28.

14. In section 28 of the principal Act,—

(i) in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

“(aa) In cases where hoist and lifts have already passed their mechanical life, the registered trade unions shall have the right to draw the attention of the Chief Inspector, who shall before passing any order give a hearing to the trade unions concerned and record his findings in writing and the trade unions shall have the right to appeal against the order of the Chief Inspector, if in their opinion such order is perverse and/or not a speaking order.”;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) In cases where permissions have been granted by the Chief Inspector under sub-section (3), the registered trade unions shall be given a chance to record their opinions on the matter and the Chief Inspector, before passing any order, shall give a hearing to the trade unions concerned and record his findings in writing and the trade unions shall have the right to appeal against the order of the Chief Inspector if in their opinion such order is perverse and/or not a speaking order.”;

(iii) in sub-section (4), the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—For the purposes of this section, no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage, the direction of movement of which is restricted by a guide or guides.”.

Amend-
ment of
section
29.

15. In section 29 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (a), after sub-clause (iii), the following sub-clause shall be inserted, namely:—

“(iv) the registered trade unions shall be given a chance to make their submissions in the matter and the Chief Inspector, before passing any order, shall give a hearing to

the trade unions concerned and record his findings in writing and the trade unions shall have the right to appeal against the decisions of the Chief Inspector, if in their opinion such order is perverse and/or not a speaking order.”;

(b) in clause (c), for the words “twenty feet”, the words “six metres” shall be substituted;

(ii) in sub-section (3), for part (b) of the *Explanation*, the following part shall be substituted, namely:—

“(b) ‘lifting tackle’ means chain sling, rope sling, hook, shackle, swivel, coupling, socket, clamp, tray or similar appliances, whether fixed or movable, used in connection with the raising or lowering of persons, goods or materials by use of lifting machines.”.

16. In section 31 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amend-
ment of
section
31.

“(1) If in any factory, any plant or machinery or any part thereof is operated at a pressure above atmospheric pressure, effective measures shall be taken to ensure that the safe working pressure of such plant or machinery or any part thereof is not exceeded.”.

17. In section 32 of the principal Act,—

Amend-
ment of
section
32.

(i) for the existing marginal heading, the following marginal heading shall be substituted, namely:—

“Place of work and means of access.”;

(ii) for clause (c), the following clause shall be substituted, namely:—

“(c) When any person has to work at a height from where he is likely to fall, then provision shall be made, so far as is reasonably practicable, by fencing or otherwise, to ensure the safety of the person so working.”.

18. In section 36 of the principal Act,—

Amend-
ment of
section
36.

(i) for the existing marginal heading the following marginal heading shall be substituted, namely:—

“Precautions against dangerous fumes, gases, etc.”;

(ii) in sub-section (1),—

(a) for the words “enter or be permitted”, the words “be required or allowed” shall be substituted;

(b) for the words “dangerous fumes are”, the words “any dangerous gases, fumes, vapours or dust particles are” shall be substituted;

(iii) in sub-section (3),—

(a) for the words “enter or be permitted”, the words “be required or allowed” shall be substituted;

(b) for the word “fumes”, wherever it occurs, the words “gas, fume, vapour or dust” shall be substituted;

(iv) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) No person in any factory shall be required or allowed to enter any boiler furnace, boiler flue, chamber, tank, vat, pipe, or other confined space for the purpose of working or making any examination therein until—

(a) it has been sufficiently cooled, by ventilation or otherwise, to be safe for persons to enter; and

(b) wherever there is likelihood of deficiency of oxygen,—

(i) a certificate in writing has been given by a competent person, based on tests carried out by him that the space is not deficient in oxygen so as to be unsafe for persons to enter; or

(ii) the worker is wearing suitable breathing apparatus and a belt which is securely attached to a rope and the free end of which is held by a person standing outside the confined space.”;

(v) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) Suitable breathing apparatus, reviving apparatus and belts and ropes shall in every factory be kept ready for instant use beside any such confined space as provided under sub-section (3) or in clause (b) of sub-section (4) which any person has entered, and all such apparatus shall be periodically examined and certified by a competent person to be fit for use; and a sufficient number of persons employed in every factory shall be trained and practised in the use of all such apparatus and in the method of restoring respiration.”.

Amend-
ment of
section
36A.

19. In section 36A of the principal Act, for the existing marginal heading, the following marginal heading shall be substituted, namely:—

“Precautions regarding the use of lamps, lights and electric appliances.”.

Substi-
tution of
section
38.

20. For section 38 of the principal Act, the following section shall be substituted, namely:—

Precau-
tions in
case of
fire.

“38. (1) In every factory all practicable measures shall be taken to prevent out-break of fire and its spread, both internally and externally, and to provide and maintain—

(a) safe means of escape for all persons in the event of a fire and;

(b) the necessary equipment and facilities for extinguishment of fire.

(2) Effective measures shall be taken to ensure that in every factory all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such case.

(3) The State Government may make rules, in respect of any factory or class or description of factories, requiring the measures to be adopted to give effect to the purposes of sub-section (1) and (2).

(4) Notwithstanding anything contained in clause (a) of sub-section (1) or in sub-section (2), if the Chief Inspector, having regard to the nature of the work carried on in the factory, the construction of the factory, special risk to life or safety or any other circumstances, is of the opinion that the measures provided in the factory, either as prescribed or otherwise, are inadequate, he may, by order in writing, require that measures as he may consider reasonable and necessary, be provided in the factory before such date as specified in the order."

21. After section 40B of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 40C.

"40C. (1) In every factory in which one hundred or more workers are ordinarily employed there shall be established a safety committee in the manner as may be prescribed for the purpose of keeping under review the measures taken to ensure the health and safety of workers and to undertake such co-ordinative functions as, under the direction of the management, are assigned to it for promoting improvement in environment, health and safety of the workers.

Safety Committee.

(2) The State Government may make rules prescribing the manner in which the safety committee may be constituted and its functions."

22. In section 45 of the principal Act,—

Amendment of section 45.

(i) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) In every factory wherein more than one hundred workers are ordinarily employed, there shall be provided and maintained an ambulance room for attending to persons who may get injured or sick in the factory and such facility shall always be readily available during the working hours of the factory."

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) The State Government may make rules—

(i) prescribing for the location, standards of construction, furniture, ambulance van, equipment and other facilities for the ambulance room;

(ii) specifying the number and conditions of service of qualified medical and nursing staff to be employed in the ambulance room."

23. In section 46 of the principal Act,—

Amendment of section 46.

(i) in sub-section (1), for the words "two hundred and fifty", the words "one hundred" shall be substituted;

(ii) in sub-section (2),—

(a) for the words "provide for", the word "prescribe" shall be substituted;

(b) in clause (b), for the word "standards", the words "location and the standards" shall be substituted.

Amend-
ment of
section 47.

24. In section 47 of the principal Act,—

(i) in sub-section (1),—

(a) for the words "one hundred and fifty", the word "fifty" shall be substituted;

(b) for the word "meals" the word "food" shall be substituted; and

(c) in the first proviso, for the words "of the requirements of", the words "of the requirements regarding a lunch room under" shall be substituted;

(ii) in sub-section (3), in clause (a), for the word "standards", the words "location and the standards" shall be substituted.

Amend-
ment of
section 50.

25. In section 50 of the principal Act,—

(i) for the words "The State Government may make rules", the words "The State Government may make rules providing for" shall be substituted;

(ii) the following proviso shall be inserted at the end, namely:—

"Provided that before an order of exemption is passed under this section, the registered trade unions shall be given a hearing and the proceedings shall be recorded in writing and the registered trade unions shall have the right to appeal, if they have not been given a hearing and/or in their opinion such order is perverse and/or not a speaking order."

Amend-
ment of
section 58.

26. In section 58 of the principal Act, in sub-section (2), the following proviso shall be inserted at the end, namely:—

"Provided that before an order of exemption is passed under this section, the registered trade unions shall be given a hearing and the proceedings shall be recorded in writing and the registered trade unions shall have the right to appeal, if they have not been given a hearing and/or in their opinion such order is perverse and/or not a speaking order."

Amend-
ment of
section 59.

27. In section 59 of the principal Act, in sub-section (1), for the words "entitled to", the word "paid" shall be substituted.

Amend-
ment of
section 64.

28. In section 64 of the principal Act,—

(i) in sub-section (1), in the proviso, for the words "seven hundred and fifty", the words "two thousand five hundred" shall be substituted;

(ii) in sub-section (2),—

(a) in clauses (a), (b), (c), (d) and (j), for the figures and word "55 and 56", the figures, comma and word "55,56 and 58" shall be substituted;

(b) in clause (f), for the words, figures and commas "section 51, section 52, and section 54", the words, figures and commas "sections 51, 52, 54 and 58" shall be substituted;

(c) in clause (i) for the figures and word "54 and 56", the figures, comma and word "54, 56 and 58" shall be substituted;

(d) in clause (k), for the words, figures and commas "section 51, section 52, section 54, section 55 and section 56", the words, figures and commas "section 51, 52, 54, 56 and 57" shall be substituted;

(e) after clause (k), the following clause shall be inserted, namely:—

"(1) of workers engaged in any work connected with the security, fire prevention and fire fighting, from the provisions of sections 51, 52, 54, 55, 56 and 58."

29. In section 65 of the principal Act, in sub-section (2), for the figures, commas and word "51, 52, 54 and 56", the figures, commas and word "51, 52, 54, 56 and 58" shall be substituted. Amend-
ment of
section 65.

30. In section 70 of the principal Act,—

(i) in sub-section (1), the proviso and the *Explanation* shall be omitted; Amend-
ment of
section 70.

(ii) sub-section (2) shall be re-numbered as sub-section (3) of that section and before sub-section (3) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) No female adolescent who has been granted a certificate of fitness to work in a factory as an adult shall be required or allowed to work in any factory except between 6 A.M. and 7 P.M.:

Provided that the State Government may, by notification in the Official Gazette, in respect of any factory or group or class or description of factories,—

(i) vary the limits laid down in this sub-section but so that no such variation shall authorise the employment of any female adolescent between 10 P.M. and 5 A.M.;

(ii) grant exemption from the provisions of this sub-section in case of serious emergency where the national interest is involved, but in no case any female adolescent unwilling to work between 10 P.M. and 5 A.M. shall be forced to work."

31. In section 71 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:— Amend-
ment of
section 71.

"(5) No female child shall be required or allowed to work in any factory except between 6 A.M. and 7 P.M."

32. In section 79 of the principal Act,—

(i) in sub-section (1),—

(a) the words "for a period of 240 days", the words "half the number of working days of the factory" shall be substituted; Amend-
ment of
section 79.

(b) in clause (i), for the words "twenty days", the words "fourteen days" shall be substituted;

(c) in clause (ii), for the words "fifteen days", the words "ten days" shall be substituted;

(d) *Explanation 1* and *Explanation 2* shall be omitted;

(ii) in sub-section (2),—

(a) for the words "two thirds of", the word "half" shall be substituted;

(b) the following words shall be inserted at the end, namely:—

"or for a period of 180 days, whichever is less".

(c) the following Explanations shall be inserted at the end, namely:—

Explanation 1.—For the purpose of sub-sections (1) and (2),—

(a) any days of lay off, by agreement or contract or as permissible under the standing orders or any other law;

(b) in the case of a female worker, maternity leave for any number of days not exceeding twelve weeks;

(c) the leave enjoyed under this section; and

(d) any days of absence due to an injury arising in the course of employment in the factory;

shall be deemed to be days on which the worker has worked in a factory for the purpose of computation of half the number of working days of the factory, but he shall not earn leave for these days.

Explanation 2.—The leave admissible under this sub-section shall be exclusive of all holidays whether occurring during or at either end of the period of leave.”;

(iii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) If a worker is discharged or dismissed from service or quits his employment or is superannuated or dies while in service, during the course of the calendar year, he or his heir or nominee, as the case may be, shall be entitled to wages in lieu of the quantum of leave for that calendar year at the rate of one day for every twenty days of work performed even if he had not worked for the entire period specified in sub-section (1) or (2) entitling him to such leave.”;

(iv) in sub-section (5), in the first proviso,—

(a) for the word "thirty", the words "one hundred twenty" shall be substituted;

(b) for the word "forty", the words "one hundred eighty" shall be substituted;

(v) for sub-section (11), the following sub-section shall be substituted, namely:—

“(11) If a worker is discharged or dismissed from service or quits his employment or is superannuated or dies while in service, during the course of the calendar year, he or his heir or nominee, as the case may be, shall be entitled to wages in lieu of the quantum of leave to which he was entitled to immediately before his discharge, dismissal, quitting of employment, superannuation or death and payment of such wages at the rate specified in section 80 shall be made—

(i) where the worker is discharged or dismissed on the same day and where he quits employment, before the expiry of the second working day from the day of such quitting; and

(ii) where the worker is superannuated or dies while in service, before the expiry of one month from the date of such superannuation or death.”.

33. In section 80 of the principal Act, in sub-section (1), the following proviso shall be inserted at the end, namely:—

Amend-
ment of
section 80.

“Provided that in the case of a worker who has not worked even for a single day during the calendar month immediately preceding his leave, he shall be paid at a rate equal to the daily average of his total full time earnings for the days on which he actually worked during the last calendar month preceding his leave, in which he actually worked, exclusive of any overtime and bonus but inclusive of dearness allowance and the cash equivalent of the advantage accruing through the concessional sale to the worker of foodgrains and other articles.”.

34. After section 91A of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
91B.

“91B. (1) Every worker who is required to be medically examined under any of the provisions of the Act or the rules framed thereunder, except under the provisions of section 91A, shall be supplied with the results of such examinations and of the tests that may be carried out in connection therewith.

Reports of
medical
exami-
nation of
workers.

(2) Any fee or charge, if payable in this connection, shall be borne by the occupier.”.

35. In section 92 of the principal Act,—

Amend-
ment of
section 92.

(i) for the words “three months”, the words “six months” shall be substituted;

(ii) in the proviso, for the words “the fine”, the words “the occupier or manager or both shall be punishable with imprisonment for a term which may extend to six months, or with a fine which” shall be substituted;

(iii) after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that if an occupier or manager or both on whom a prohibitory order under sub-section (2) of section 40 or any rule made under clause (g) of section 87 has been served, fails to comply with such as order, shall be, instead of the penalties men-

tioned in this section, punishable with imprisonment for a term which may extend to one year and with a fine which may extend to five hundred rupees for each day on which the use of the building or part of a building or any part of the ways, machinery or plant is continued without proper repair or alteration.”.

Insertion
of new
section
92A.

36. After section 92 of the principal Act, the following section shall be inserted, namely:—

Punish-
ment for
concealing
informa-
tion, &c.

“92A. Whoever, being required under the Act, to maintain any record, register or notice, or to furnish any information or return, or to test or examine and furnish any certificate of such test or examination,—

(a) wilfully furnishes or causes to be furnished any information, orally or in writing, which he knows to be false; or

(b) refuses to answer or wilfully gives a false answer to any question necessary for obtaining any information required for the purposes of the Act, or

(c) wilfully records information which is false in any register or record to be maintained under the Act, or

(d) issues false certificate in respect of any test or examination as required under the Act,

shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both.”.

Amend-
ment of
section 94.

37. In section 94 of the principal Act, in sub-section (1),—

(i) for the words “six months”, the words “one year” shall be substituted;

(ii) for the word and figure “section 92”, the word and figures “sections 92 and 92A” shall be substituted;

(iii) in the second proviso, the words “in the case of an accident causing death and one thousand rupees in the case of an accident causing serious bodily injury” shall be omitted.

Amend-
ment of
section 95.

38. In section 95 of the principal Act,—

(i) for the words “three months”, the words “one year” shall be substituted;

(ii) for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted.

Amend-
ment of
section
105.

39. In section 105 of the principal Act, in sub-section (1), for the words “an Inspector”, the words “an Inspector and worker Inspector” shall be substituted.

Amend-
ment of
section
106.

40. In section 106 of the principal Act,—

(i) for the words “knowledge of an Inspector”, the words “knowledge of an Inspector and worker Inspector” shall be substituted;

(ii) after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that the Courts shall be empowered to exempt limitation in case where the delay has arisen out of justifiable reasons including natural calamities, sickness, accident, and similar other reasons.”.

41. After section 106 of the principal Act, the following section shall be inserted, namely:—

Inertion
of new
section
106A.

“106A. All fees prescribed under this Act shall be recoverable as arrears of land revenue.”.

Recovery
of fees.

42. In section 118 of the principal Act, sub-section (2) and (3) shall be re-numbered as sub-section (3) and (4) respectively and before the sub-sections as so re-numbered, the following sub-section shall be inserted, namely:—

Amend-
ment of
section
118.

“(2) Every Inspector shall treat as confidential the sources of any complaint bringing to his notice a defect of breach of any legal provisions and if any visit for inspection is to be made in connection with such a complaint, he shall give no intimation to the occupier or the manager or his representative that his visit is in consequence of the receipt of such a complaint:

Provided that the restrictions in this sub-section shall not apply to any case where the complainant has expressed his willingness to have the source of the complaint disclosed:

Provided further that the restrictions in this sub-section shall not apply to any disclosure which is considered necessary in connection with the purposes of the Act, or in such other circumstances as may be prescribed.”.

STATEMENT OF OBJECTS AND REASONS

Since the Factories Act was first brought on the statute book of our country, it has undergone several changes. But the interests of the workers were never made secure by legislation. The Indian Labour Conference had discussed the question a long time ago. Since then there have been technological changes of a wide range and deterioration in observance of safety legislations, which were repeatedly pointed out by the organised labour.

In October 1981, a tripartite discussion was held at Bombay at the instance of the Director General, Factory Advice Service and Labour Institute where concern was expressed on the collapse of labour and safety legislations. The suggestions given in the meeting have not been processed by the Government and thereby, instead of protecting the workers the Government has permitted the violations of the Act to continue. The penal measures being of a very mild nature, the employers have never cared to implement the law, as violations are more profitable than the observance of the law.

The International Labour Organisation has adopted a programme known as PIACT and constant endeavour is being made to promote improvement in environment, health and safety of the workers. The existing Act does not give any opportunity or right to the workmen to initiate any action for violation of the laws. Due to lacunae in the law and immobility or inability or collusion between the "occupiers" and the "officials" in the Government machinery, many of the violations do not come to light at all.

The amendments to the Act are intended to cover all these shortcomings and to create a condition where environment, safety and health of the workers could be protected.

NEW DELHI;
February 17, 1983.

SUDHIR KUMAR GIRI

FINANCIAL MEMORANDUM

Clause 12(ii) of the Bill provides for the maintenance of a register containing the names of young persons employed on dangerous machines. Clause 21 provides for the establishment of safety committees in factories which employ more than one hundred workers. Clause 22(i) provides for the provision and maintenance of an ambulance room in factories which employ more than one hundred workers. Clause 22(ii) provides for the appointment of qualified medical and nursing staff in the ambulance room. Clause 23(i) provides for the provision and maintenance of a canteen in factories wherein more than one hundred workers are employed. Clause 24(i) (a) provides for the provision and maintenance of shelters, rest rooms, etc. in factories wherein more than fifty workers are employed. Clause 28(i) provides for the payment of overtime wages to employees whose wages do not exceed rupees two thousand five hundred per month. Clause 32(i) (a) provides that every worker who has worked for half the number of working days of the factory shall be allowed to avail of leave with wages in the subsequent calendar year. Clause 32(iii) provides that if a worker is discharged, dismissed from service quit his employment, superannuated or dies while in service then he or his heir shall be entitled to wages in lieu of leave at the rate of one day for every twenty days of work performed. Clause 34 provides that any fee or charge for the medical examination of the worker and the supply of the reports of the medical examination to the worker shall be borne by the occupier. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India atleast in respect of factories belonging to the Central Government. It is likely to involve a recurring expenditure of about rupees five lakhs per annum.

It is likely to involve a non-recurring expenditure of about rupees two lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the State Government to make rules for holding classes for giving training to workmen for promoting the health, safety, etc. of the workers in factories. Clause 21 provides for the rules to be made prescribing the manner in which the safety committee may be constituted and its functions. Clause 22(ii) provides that the rules be made for prescribing the location, standards of construction, etc. of the ambulance room and for specifying the conditions of service and number of medical and nursing staff for the ambulance room of the factory.

2. The matters with respect to which rules may be made are matters of procedure and detail. The delegation of legislative power is thus normal in character.

BILL No. 40 OF 1983

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1983.

Short
title.

2. In article 244 of the Constitution,—

(i) in clause (1), for the words “the States of Assam and Meghalaya”, the words “the States of Assam, Meghalaya and Tripura” shall be substituted;

Amend-
ment
of
article
244.

(ii) in clause (2), for the words “the States of Assam and Meghalaya”, the words “the States of Assam, Meghalaya and Tripura” shall be substituted.

Amend-
ment of
Sixth
Sche-
dule.

3. In the Sixth Schedule to the Constitution,—

(i) in the heading, for the words “the States of Assam and Meghalaya” the words “the States of Assam, Meghalaya and Tripura” shall be substituted;

(ii) in paragraph 20,—

(a) for sub-paragraph (1), the following sub-paragraph shall be substituted, namely:—

“Tribal areas.—(1) The areas specified in Parts I, II, III and IV of the table below shall respectively be the tribal areas within the State of Assam, the State of Meghalaya, the Union territory of Mizoram and the State of Tripura.”;

(b) in sub-paragraph (2), in the TABLE, after Part III, the following Part shall be inserted, namely:—

“PART IV

1. Areas in the districts of North Tripura, South Tripura, West Tripura, which comprise the existing autonomous District Councils.”.

STATEMENT OF OBJECTS AND REASONS

The State Government of Tripura has successfully implemented its election pledge by creating autonomous districts and autonomous regions for the betterment of the tribals of the State. Although the Constitution provides in article 244(2) and the Sixth Schedule for the administration of tribal areas in the States of Assam and Meghalaya and creation of autonomous districts and regions in these States, there is no such constitutional provision for the State of Tripura so far. Hence the Bill seeks to amend suitably the Constitution by inserting the name of the State of Tripura in article 244(2) and the Sixth Schedule to the Constitution along with the States of Assam and Meghalaya. The proposed amendment in the Sixth Schedule will further enhance the efforts of the State Government to galvanise the existing amity between tribals and non-tribals.

NEW DELHI;

AJOY BISWAS

February 23, 1983.

BILL No. 25 OF 1983

A Bill further to amend the Trade and Merchandise Marks Act, 1958.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Trade and Merchandise Marks (Amendment) Act, 1983.

Insertion
of new
section
88A.

2. After section 88 of the Trade and Merchandise Marks Act, 1958, 43 of 1958, hereinafter referred to as the principal Act, the following section shall be inserted, namely:—

Offences
to be
cogni-
zable.

“88A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences mentioned in Chapter X of this 2 of 1974. Act shall be deemed to be cognizable.”

Amend-
ment of
section
89.

3. Sub-section (1) of section 89 of the principal Act shall be omitted,

STATEMENT OF OBJECTS AND REASONS

Offences under the Trade and Merchandise Marks Act, 1958, have increased enormously during the last few years. As they are non-cognizable, it is difficult to bring the culprits to book. By the time a complaint is filed and search warrant is obtained, the goods disappear. It is, therefore, necessary to make these offences cognizable.

Hence this Bill.

NEW DELHI;

VASANT KUMAR PANDIT

February 24, 1963.

BILL NO. 27 OF 1983

A Bill to amend the Indian Medicine Central Council Act, 1970

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
Title and
commen-
cement

1. (1) This Act may be called the Indian Medicine Central Council (Amendment) Act, 1983.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
section 2.

2. In section 2 of the Indian Medicine Central Council Act, 1970 (hereinafter referred to as the principal Act), in sub-section (1), after clause (e), the following clause shall be inserted, namely:— 48 of 1970.

‘(ee) “Integrated medicine” means conjoint study, training and practice in Indian medicine and modern scientific medicine in all its branches including surgery and obstetrics.’

Amend-
ment of
section 3.

3. In section 3 of the principal Act, in clause (a) of sub-section (1), after the word “persons”, the words “possessing a recognised medical qualification and” shall be inserted.

4. In section 14 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amend-
ment of
section 14.

“(3) Only such medical qualifications which are granted after not less than four years’ regular institutional training including clinical training in attached hospital shall be included in the Second Schedule.”.

5. In section 17 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

Amend-
ment of
section 17.

“(5) Nothing contained in any law for the time being in force shall affect the rights of the practitioners qualified in Integrated medicine including the right of practising modern scientific medicine in all its branches including surgery and obstetrics in any part of India.”.

6. For the Second Schedule to the principal Act, the following Schedule shall be substituted, namely:—

Amend-
ment of
Second
Schedule.

“THE SECOND SCHEDULE

(See section 14)

Part I: Qualifications in Integrated medicine.

Part II: Qualifications other than the qualifications in Integrated medicine.”.

STATEMENT OF OBJECTS AND REASONS

There are about fifty thousand practitioners of Integrated medicine in India who have undergone regular institutional course of training for four to six years of statutory Universities or State Boards or Faculties after School Leaving or Intermediate Science Examinations. The course consists of training in Ayurvedic as well as modern systems of medicine.

At present the practitioners are grouped in the Second Schedule to the Indian Medicine Central Council Act, 1970 along with the practitioners with pure Ayurvedic qualifications and others who had no training or had sub-standard training. An assurance was given on the floor of the Lok Sabha by Government on December 10, 1970 that these practitioners will be put in separate parts of the Second Schedule under the rule making power. As it is not permissible to amend the Schedule to the Act under the rule making power, it is felt necessary to amend the Act itself for the purpose.

In the constitution of the Central Council of Indian Medicine a provision has been made that RMPs enrolled in the State Register of Indian Medicine merely on experience basis, though not possessing any recognised medical qualification shall be the voters in the election to the Central Council of Indian Medicine. Since the Council has to lay down and maintain high standards of training and practice of Indian Systems of Medicine it is essential that only such practitioners who possess a recognised medical qualification should be the voters in the election to the CCIM. Hence section 3(1)(a) of the Act needs amendment.

There are no norms prescribed for inclusion of a medical qualification in the Second Schedule as a result of which many sub-standard and fake qualifications have been included in the Second Schedule. The Central Council of Health in 1976 has recommended that only such qualifications which are granted after institutionalised teaching and training of not less than 4 years duration in recognised colleges, should be eligible for the rights and privileges envisaged in the Act and all sub-standard qualifications should be deleted from the Second Schedule. Proposed amendment to section 14 prescribes norms for inclusion of a medical qualification in the Second Schedule.

Hence this Bill.

NEW DELHI;
February 24, 1983.

VASANT KUMAR PANDIT

BILL NO. 28 OF 1983

A Bill further to amend the Delhi Rent Control Act, 1958

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Delhi Rent Control (Amendment) Act, 1983.

Short
title
and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and such date may be any date prior to the passing of this Act.

59 of 1958.

2. In the Delhi Rent Control Act, 1958 (hereinafter referred to as the principal Act), in section 2,—

Amend-
ment of
section 2.

(i) after clause (d), the following clause shall be inserted, namely:—

“(dd) “house” means a building constructed on a plot of land, which is wholly or partially used for residential or non-residential purposes, and includes the garden, grounds and out-houses, if any, appertaining to such building;”;

(ii) in clause (e) and everywhere in the Act wherever it occurs, for the word “landlord”, the word “houseowner” shall be substituted;

(iii) in clause (l), for the words “means any person by whom or on whose account or behalf the rent of any premises is, or, but for a special contract, would be, payable,” the words “means any person occupying premises, whether residential or non-residential, under a lease deed, agreement or any other document for the period mentioned in the said lease deed, agreement or document, as the case may be,” shall be substituted;

(iv) after clause (l), the following clause shall be inserted, namely:—

“(ll) “tenant at sufferance” means any person occupying premises, whether residential or non-residential, after the termination or expiry of the lease deed, agreement or any other document; or a person occupying any premises without any written lease deed, agreement or any other document:

Provided that in the case of a person occupying premises before June 30, 1982, the covered area of which is not more than 70 square metres or the rent for which does not exceed rupees 750/- per month, the person shall be deemed to be a tenant as defined in clause (l) of section 2.”.

Amend-
ment of
section 3.

3. In section 3 of the principal Act, after clause (b), the following clauses shall be inserted, namely:—

“(c) to any tenancy or other like relationship created by a lease deed, agreement or any other document by a firm, company, any foreign embassy or organisation; or

(d) to any house owned by a retired Government servant, freedom fighter or any person retired from a public or private sector organisation or by his wife or minor child;

Provided that nothing in this section shall be construed as conferring a right on a houseowner owning two or more houses in the Union territory of Delhi, whether in his own name or in the name of his wife or dependent child, to claim exemption from the operation of the Act for more than one house and such houseowners shall indicate the house for which they intend to claim exemption by a specified date to be notified by the Central Government in the Official Gazette:

Provided further that provisions for summary trial under section 25A and section 25B shall apply in eviction proceedings concerning the category of tenants mentioned in clause (c) and houseowners in this clause.”.

Amend-
ment of
section 6.

4. In section 6 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Subject to the provisions of sub-section (2) “standard rent”, in relation to any premises, residential or non-residential, means fifteen per cent. of the reasonable cost of construction and market

price of land prevailing during the base year as determined by the Central Government, with provisions for suitable periodic adjustments in rent related to the cost of construction, repairs and the cost of living index as determined by the Ministry of Labour:

Provided that where the rent so calculated exceeds two thousand and four hundred rupees per annum, this sub-section shall have effect as if for the words "fifteen per cent.", the words "twenty per cent." had been substituted in the case of residential premises and "twenty-five per cent." had been substituted in the case of non-residential premises."

5. In section 14 of the principal Act,—

(i) in sub-section (1),—

Amendment of section 14.

(a) in clause (e), the words "dependent on him" shall be omitted;

(b) after clause (l), the following clause shall be inserted namely:—

"(m) that the person in occupation of a premises, residential or non-residential, is a tenant at sufferance.";

(ii) sub-section (6) shall be omitted;

(iii) in sub-section (7),—

(a) after the words "clause (e)", the words "and clause (m)" shall be inserted;

(b) after the words "proviso to sub-section (1)", the words "or under section 14A" shall be inserted;

(c) for the words "six months", the words "two months" shall be substituted."

6. In section 21 of the principal Act, after the words "occupation of such premises", the words "and the orders of the Controller in this behalf shall be final and shall not be questioned in any Court of Law." shall be inserted.

Amendment of section 21.

7. In section 25B of the principal Act,—

(i) in sub-section (1), after the words "in clause (e)", the words "and in clause (m)" shall be inserted;

Amendment of section 25B.

(ii) in sub-section (6), for the words "as early as practicable", the words "and the hearing shall be completed within three months from the date of the order granting leave to the tenant to contest the application." shall be substituted.

8. Section 25C of the principal Act shall be omitted.

Omission of section 25C.

Insertion
of Chap-
ter VIIA.

9. After Chapter VII of the principal Act, the following Chapter shall be inserted, namely:—

“CHAPTER VIIA

PROVISIONS REGARDING SPECIAL OBLIGATIONS OF TENANTS AND PENALTIES

Tenant
to pay
penalty.

49A. (1) A tenant shall be liable to pay two and a half per cent. of the monthly rent as penalty for the period of default if he fails to pay the rent on the due date.

(2) A tenant at sufferance shall—

(i) be liable to pay rent at double the rate of rent that he is liable to pay under section 4 with effect from the date on which his lease deed, agreement or any other document was terminated or expired as damages;

(ii) be liable to pay three times the rent he is liable to pay under section 4 if he fails to vacate the premises within the period of grace granted to him by the competent authority ordering his eviction from the premises.”.

Insertion
of sec-
tion 53.

10. After section 52 of the principal Act, the following section shall be inserted, namely:—

Arbitra-
tion.

“53. Nothing in this Act shall render illegal a contract by which two or more persons agree that any dispute that may arise between them as house-owner and tenant in respect of any matter or matters pertaining to rented premises shall be referred for arbitration and that the decision of the arbitrator, on the matters referred to him, shall be binding on the parties.”.

STATEMENT OF OBJECTS AND REASONS

The working Group on private housing set up by the Government of India in its report in November 1981 had made many important recommendations to step up private investment in construction activities to relieve the acute shortage of housing. These are under the active consideration of the Government of India.

The Government is aware of the urgent need to amend the Delhi Rent Control Act, 1958, which seems to have outlived its utility and appears to be obsolete in the prevailing socio-economic conditions. The Government has also in view to introduce a model legislation to regulate the houseowner-tenant relationship all over India on the basis of the recommendations of the Commission for Economic Administration Reforms under the Chairmanship of Shri L. K. Jha. But no firm date has so far been fixed by the Government for introducing fresh legislation in this behalf.

An attempt has been made in this Bill to rationalise some of the provisions of the Delhi Rent Control Act, 1958, with a view to secure justice both for the tenants and the houseowners in the hope that this will alleviate the widespread prevailing houseowner-tenant tension. It will thus relieve the unbearable pressure on the Judiciary as well as the machinery for keeping law and order and step up housing activity. It will thus contribute to lower rents and make housing accommodation more easily available for all sections of society.

The Bill seeks to achieve the above objectives.

NEW DELHI;
February 24, 1983.

VASANT KUMAR PANDIT

BILL No. 37 OF 1983

A Bill further to amend the Delhi Rent Control Act, 1958.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short
title
and
com-
mence-
ment.

1. (1) This Act may be called the Delhi Rent Control (Amendment) Act, 1983.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and such date may be any date prior to the passing of this Act.

Amend-
ment of
section 2.

2. In the Delhi Rent Control Act, 1958 (hereinafter referred to as the principal Act), in section 2,—

59 of 1958.

(i) after clause (d), the following clause shall be inserted, namely:—

“(dd) “house” means a building constructed on a plot of land, which is wholly or partially used for residential or non-residential purposes, and includes the garden, grounds and out-houses, if any, appertaining to such buildings;”;

(ii) in clause (e) and everywhere in the Act wherever it occurs, for the word “landlord”, the word “houseowner” shall be substituted;

(iii) for clause (l), the following clause shall be substituted, namely:—

“(l) “tenant” means any person occupying premises, whether residential or non-residential, under a lease deed, agreement or any other document for the period mentioned in the said lease deed, agreement or document, as the case may be, and in the event of the death of the person, his/her spouse, parents, unmarried sons and daughters, who were financially dependent on the deceased on the date of death of the person, shall acquire the right to continue to live in the premises for one year after the death of the person and those who were not financially dependent on the deceased, if any, for two months after the death of the person;”;

(iv) after clause (l), the following clause shall be inserted, namely:—

“(ll) “tenant at sufferance” means any person occupying premises, whether residential or non-residential, after the termination or expiry of the lease deed, agreement or any other document; or a person occupying any premises without any written lease deed, agreement or any other document.”.

3. In section 3 of the principal Act, after clause (b), the following clauses shall be inserted, namely:—

Amendment of section 3.

“(c) to any tenancy or other like relationship created by a lease deed, agreement or any other document by a firm, company, any foreign embassy or organisation; or

(d) to any house owned by a retired Government servant, freedom fighter or any person retired from a public or private sector organisation or by his wife or minor child:

Provided that nothing in this clause shall be construed as conferring a right on a houseowner owning two or more houses in the Union territory of Delhi, whether in his own name or in the name of his wife or dependent child, to claim exemption from the operation of the Act for more than one house and such houseowners shall indicate the house for which they intend to claim exemption by a specified date to be notified by the Central Government in the Official Gazette; or

(e) to any premises residential or residential-cum-commercial, owned by a person who owns only one such premises either in his own name or that of his wife or dependent child in the Union territory of Delhi:

Provided that provisions for summary trial under section 25A and section 25B shall apply in eviction proceedings concerning the category of tenants mentioned in clause (c) and houseowners in clauses (d) and (e).”

4. In section 6 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amendment of section 6.

“(1) Subject to the provisions of sub-section (2) “standard rent”, in relation to any premises, residential or non-residential, means fifteen per cent, of the reasonable cost of construction and market

price of land prevailing on 31 March, 1971, with provisions for suitable periodic adjustments in rent related to the cost of construction, repairs and the cost of living index as determined by the Ministry of Labour:

Provided that where the rent so calculated exceeds two thousand and four hundred rupees per annum, this sub-section shall have effect as if for the words "fifteen per cent.", the words "twenty per cent." had been substituted in the case of residential premises and "twenty-five per cent." had been substituted in the case of non-residential premises."

Amend-
ment of
section 14.

5. In section 14 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (e), the words "dependent on him" shall be omitted;

(b) after clause (l), the following clause shall be inserted, namely:—

"(m) that the person in occupation of a premises residential or non-residential, is a tenant at sufferance.";

(ii) sub-section (6) shall be omitted;

(iii) in sub-section (7),—

(a) after the words "clause (e)", the words "and clause (m)" shall be inserted;

(b) after the words "proviso to sub-section (1)", the words "or under section 14A" shall be inserted.

Amend-
ment of
section
21.

6. In section 21 of the principal Act, after the words "occupation of such premises", the words "and the orders of the Controller in this behalf shall be final and shall not be questioned in any Court of Law," shall be inserted.

Amend-
ment of
section
25B.

7. In section 25B of the principal Act,—

(i) in sub-section (1), after the words "in clause (e)", the words "and in clause (m)" shall be inserted;

(ii) in sub-section (6) for the words "as early as practicable", the words "and the hearing shall be completed within three months from the date of the order granting leave to the tenant to contest the application." shall be substituted.

Omis-
sion of
section
25C.

8. Section 25C of the principal Act shall be omitted.

Inser-
tion of
Chapter
VIIA.

9. After Chapter VII of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER VIIA

PROVISIONS REGARDING SPECIAL OBLIGATIONS OF TENANTS AND PENALTIES

59A. (1) A tenant shall be liable to pay one per cent. per day of the monthly rent as penalty for the period of default if he fails to pay the rent on the due date.

Tenant
to pay
penalty.

(2) A tenant at sufferance shall be liable to pay—

(i) rent at double the rate of rent that he is liable to pay under section 4 with effect from the date on which his lease deed, agreement or any other document was terminated or expired as damages;

(ii) three times the rent he is liable to pay under section 4 if he fails to vacate the premises within the period of grace granted to him by the competent authority ordering his eviction from the premises.”.

10. After section 52 of the principal Act, the following section shall be inserted namely—

Insertion
of
section 53.

“53. Nothing in this Act shall render illegal a contract by which two or more persons agree that any dispute that may arise between them as house-owner and tenant in respect of any matter or matters pertaining to rented premises shall be referred for arbitration and that the decision of the arbitrator, on the matters referred to him, shall be binding on the parties.”.

Arbitra-
tion.

STATEMENT OF OBJECTS AND REASONS

The Working Group on private housing set up by the Government of India in its report in November 1981 had made many important recommendations to step up private investment in construction activities to relieve the acute shortage of housing. These recommendations seem to have been accepted by the Government of India.

The Government is aware of the urgent need to amend the Delhi Rent Control Act, 1958, which seems to have outlived its utility and appears to be obsolete in the prevailing socio-economic conditions. The Government has also in view to introduce a model legislation to regulate the houseowner—tenant relationship all over India on the basis of the recommendations of the Commission for Economic Administration Reforms under the Chairmanship of Shri L. K. Jha. The recommendations of the Commission have been under the consideration of the Government since October 1982, but no firm date has so far been fixed by the Government for introducing fresh legislation in this behalf.

An attempt has been made in this Bill to rationalise some of the provisions of the Delhi Rent Control Act, 1958, with a view to secure justice both for the tenants and the houseowners in the hope that this will alleviate the widespread prevailing houseowner—tenant tension. It will thus relieve the unbearable pressure on the Judiciary as well as the machinery for keeping law and order and step up housing activity. It will thus contribute to lower rents and make housing accommodation more easily available for all sections of society.

The Bill seeks to achieve the above objectives.

NEW DELHI;

February 26, 1983.

K. LAKKAPPA

AVTAR SINGH RIKHY,
Secretary.